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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/434,770	11/04/1999	CYNTHIA M. MERKIN	M-7826-US	4340

27683 7590 06/13/2005

HAYNES AND BOONE, LLP  
901 MAIN STREET, SUITE 3100  
DALLAS, TX 75202

EXAMINER

SMITHERS, MATTHEW

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/434,770

Applicant(s)

MERKIN, CYNTHIA M.

Examiner

Matthew B. Smithers

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-7,10-18 and 21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1,2,5-7,10-18 and 21 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed March 18, 2005 have been fully considered but they are not persuasive. Applicant argues the applied reference (US patent 5,960,085 granted to de la Huerga) fails to teach the claimed identification system. Examiner respectfully disagrees and asserts de la Huerga teaches an identification device (security badge), an identification signal detection circuit (wireless transceiver device of the computer terminal) that communicates with one other to establish the identity of the possessor of the security badge (see column 11, lines 30-58). As the ID device of the client, the ID signal detection circuit of the computer terminal and the processing within the computer terminal work in concert, they form a system for identifying the user trying to gain access (i.e. an identification system). Based on the above arguments, the examiner maintains the previous rejection restated below.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,2, 5-7,10-18 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. patent 5,960,085 granted to de la Huerga.

Regarding claim 1, de la Huerga meets the claimed limitation as follows:

"A computer system comprising: an authorized user identification device (security badge); at least one processor coupled to the computer system; a non-line-of-sight proximity range actuated identification signal detection circuit for receiving a wireless identification signal from the identification device, the wireless identification signal containing identification information regarding the a user of the device; a memory having means for determining whether the user of the identification device as indicated by the wireless identification signal, has authorized access to computer information accessible by the computer system; a means for granting and maintaining access to computer information accessible by the computer system if it is determined that the user as indicated by the wireless identification signal is authorized access and remains in the proximity range, wherein the granting access to computer information accessible by the computer system further includes placing the computer system in a higher power state from a lower power state; and a memory having means for placing the computer system in a condition to deny access by placing the computer system in a lower power state in response to the identification signal detection circuit not having received, for a predetermined period of time, a wireless identification signal containing identification information from the user having authorized access." see column 11, line 27 to column 15, line 16.

Regarding claim 2, de la Huerga meets the claimed limitation as follows:

"The computer system of claim 1 further comprising: a memory circuit programmable to store a list of at least one user having authorized access to computer information assessable by the computer system." see column 10, lines 43-44 and Figure 8.

Regarding claim 5, de la Huerga meets the claimed limitation as follows: "The computer system of claim 1, wherein placing the computer system in a condition to deny further includes logging a user off of the computer system in response to the identification signal detection circuit not having received for a predetermined period of time, a wireless identification signal containing identification information from the user having authorized access." see column 13, lines 47-65.

Regarding claim 6, de la Huerga meets the claimed limitation as follows: "The computer system of claim 1, wherein placing the computer system in a condition to deny further includes placing the computer system in a locked state in response to the identification signal detection circuit not having received for a predetermined period of time, a wireless identification signal containing identification information from the user having authorized access." see column 13, lines 47-65.

Regarding claim 7, de la Huerga meets the claimed limitation as follows: "The computer system of claim 1, a memory circuit storing operating system code whose execution by the at least one processor implements an operating system for controlling the operation of the computer system; and wherein the operating system code includes code whose execution places the computer system in a condition to deny access to computer information accessible by the computer system in response to the identification signal detection circuit not having received for a predetermined period of

time, a wireless identification signal containing identification information from the user having authorized access." see column 13, lines 47-65.

Regarding claim 10, de la Huerga meets the claimed limitation as follows: "The computer system of claim 1 wherein: the memory having means for determining that the identification signal detection circuit has not received the wireless identification signal for a predetermined period of time is implemented in the identification signal detection circuit; and the identification signal detection circuit provides a response signal in response to a determination that the identification signal detection circuit has not received for a predetermined period of time, a wireless identification signal containing identification information from the user having authorized access." see column 13, line 47 to column 14, line 58.

Regarding claim 11, de la Huerga meets the claimed limitation as follows: "The computer system of claim 10 wherein the identification signal detection circuit generates an interrupt in response to a determination that the identification signal detection circuit has not received the wireless identification signal for a predetermined period of time." see column 13, line 47 to column 14, line 58.

Regarding claim 12, de la Huerga meets the claimed limitation as follows: "The computer system of claim 10 wherein the identification signal detection circuit asserts a #PME signal in response to a determination that the identification signal detection circuit has not received the wireless identification signal for a predetermined period of time." see column 13, line 47 to column 14, line 58.

Regarding claim 13, de la Huerga meets the claimed limitation as follows: "The computer system of claim 12 further comprising: a chipset circuit having an input to receive the #PME signal from the identification signal detection circuit." see column 13, line 47 to column 14, line 58.

Regarding claim 14, de la Huerga meets the claimed limitation as follows: "The computer system of claim 1 wherein the memory having means for determining whether the user of the device and the memory having means for determining that the identification signal detection circuit has not received the wireless identification signal for a predetermined period of time, are both implemented in the same memory circuit of the identification circuit." see column 13, line 47 to column 14, line 58.

Regarding claim 15, de la Huerga meets the claimed limitation as follows: "The computer system of claim 1 wherein the identification signal detection circuit is operably coupled to a power managed computer bus." see column 15, lines 20-45.

Regarding claim 16, de la Huerga meets the claimed limitation as follows: "The computer system of claim 1 wherein: the identification signal detection circuit has an output to provide an indication signal indicating that the identification signal detection circuit has received a wireless identification signal containing identification information of the user of the device determined to have authorized access; and wherein the indication signal is provided in response to receiving a wireless identification signal containing identification information of the user of the device determined to have authorized access after a predetermined period of time of not receiving an identification

signal containing identification information of the user of the device determined to have authorized access." see column 11, line 27 to column 15, line 16.

Regarding claim 17, de la Huerga meets the claimed limitation as follows: "The computer system of claim 16 wherein: the identification signal detection circuit is operably coupled to the at least one processor via a computer bus substantially conforming to a PCI Local Bus Specification; and the indication signal includes an assertion of the #PME signal." see column 11, line 27 to column 15, line 16.

Regarding claim 18, de la Huerga meets the claimed limitation as follows: "The computer system of claim 1 further comprising: a memory having means for placing the computer system in a higher power state from a lower power state if it is determined that the identification signal detection circuit has received a wireless identification signal containing identification information of the user having authorized access." see column 15, lines 20-45.

Regarding claim 21, de la Huerga meets the claimed limitation as follows:

"A method for controlling access to computer information comprising: providing an authorized user identification device; providing a computer system; sending a wireless identification signal by the identification device, the wireless identification signal including identification information regarding a user of the device; receiving, independent of a conscious access action by the user, the wireless identification signal by a non-light-of-sight proximity range actuated detection circuit coupled to the computer system; determining whether the user as indicated by the wireless identification signal has authorized access to computer information accessible by the



computer system; and granting and maintaining access to computer information accessible by the computer system if it is determined that the user as indicated by the wireless identification signal is authorized access and remains in the proximity range, wherein the granting access to computer information accessible by the computer system further includes placing the computer system in a higher power state from a lower power state; and denying access to computer information accessible by the computer system placing the computer system in a lower power state in response to the identification signal detection circuit not having received for a predetermined period of time, a wireless identification signal containing identification information from the user having authorized access." see column 11, line 27 to column 15, line 16.

### ***Conclusion***

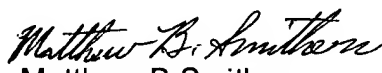
**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew B. Smithers whose telephone number is (571) 272-3876. The examiner can normally be reached on Monday-Friday (8:00-4:30) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew T. Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Matthew B Smithers  
Primary Examiner  
Art Unit 2137